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The Future of Naval Limitation

BY HELEN FISHER

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The Future of Naval Limitation

BY HELEN FISHER

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THE recent action of Great Britain, the United States and Japan, invoking the so-called "escalator clause" of the 1930 London Naval Treaty in order to retain a considerable number of ships due for scrapping under that treaty, has revived discussion of the future of naval limitation. The principle of such limitation, in part at least, has been extended for another six years by the London Naval Treaty of 1936, signed on March 25 by the United States, the British Empire and France to replace the old Washington and London treaties which expire December 31, 1936.¹ Other naval powers are expected to join in the new treaty system by direct adherence or through separate agreements, while "escape" clauses directed at those who do not adhere should act as a partial check on any plans which exceed the treaty limits. In a period marked by increasing political tension in Europe and the Far East, however, it is difficult to predict the effect of the new treaty's technical provisions.

Naval limitation treaties are designed ostensibly to moderate or prevent competition in naval armaments. Such competition may arise from political unrest, creating fear which leads to a general increase of armaments, or from pressure by military groups for matching or anticipating the naval construction of other powers. The latter may lead to a race in quality or quantity. In the race in quantity, each country seeks to equal or outbuild its neighbors in number and total tonnage of vessels. France, for example, has designed its two new battleships at 35,000 tons largely for the purpose of replying to the Italian *Vittorio Veneto* and *Littorio*.² In the race in quality, new types of ship are evolved, rendering obsolete the older patterns of competing navies. The German "pocket battleship," which mounts 11-inch guns on a

cruiser which other powers are prevented by treaty from arming with more than 8-inch guns, is an example.³

The new London treaty, which makes no attempt to deal with the political factor, confining itself instead to the purely technical aspects of naval rivalry, emphasizes the prevention of qualitative rather than quantitative competition. Perhaps its outstanding merit is the mere fact of its existence. That a treaty designed to limit armaments could have been concluded at all in the present feverish international atmosphere is noteworthy. Opinion as to the practical value of its provisions, however, is divided, and critics contend that its omissions render it useless.⁴ They point out that, in failing to settle the future of naval bases in the Pacific, the treaty has abandoned the fruitful juxtaposition of the political and the military which assured the success of the Washington treaty, and has left the door open to possible future complications. They remark the absence of quantitative limitation and of provisions for scrapping overage vessels, which leaves the signatories free to build as many ships as they wish, restricted only by certain qualitative limits,⁵ and to increase their total naval strengths at will by retaining old ships in service. Furthermore, they charge that numerous safeguarding clauses will facilitate and may even encourage evasion.

On the other hand, supporters of the pact claim that its detailed qualitative limitations may actually be more effective in preventing a naval race

1. U. S., Department of State, *The London Naval Conference 1935*, Conference Series No. 24 (Washington, Government Printing Office, 1936).

2. Although both nations have consistently advocated reduction to about 27,000 tons at every naval conference, including that of 1936, in an attempt to eliminate the terrific expense involved in building the big ships.

3. This particular ship has not proved to be as menacing as was feared, however. Naval engineers are inclined to doubt the efficiency of its Diesel plant and the advisability of its extraordinarily heavy armor.

4. Many Senators, for instance, agreed to its ratification without the customary opposition because they considered it a harmless gesture binding us to no important commitments. Cf. *Congressional Record*, Senate, May 18, 1936, pp. 7591-7603; *Hearing before the Committee on Foreign Relations, United States Senate, relative to a Treaty for the Limitation of Naval Armaments, etc.*, May 14, 1936 (Washington, Government Printing Office, 1936).

5. I.e., restrictions on the maximum tonnage and gun caliber of individual ships.

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than was the old method of ratios. Norman H. Davis, chief of the American delegation to the conference, and others have pointed out that the allocation of ratios inevitably raises questions of national prestige which are not involved in the acceptance of qualitative limits. "Nations, like individuals," says Mr. Davis, "are inclined to clamor to do what they are told they cannot do, whether or not there is any real reason to do it. If left to themselves to decide how many ships they require, many countries may find that their naval needs are relatively modest."⁶ In addition, the treaty's advocates claim an important achievement in its elimination of the secrecy which has so frequently caused suspicion and distrust in the past. One has only to recall the public uneasiness of the period of Anglo-German naval rivalry before the World War, or of the years of secret rearmament in Germany, they say, to appreciate the value of the provisions which insure notification of new construction far in advance and in full detail.

It is difficult to estimate the relative value of these two sets of arguments at present, when every naval power in the world is expanding its sea forces as rapidly as crowded shipyards and unbalanced budgets will permit. Only the oscillations of the political balance during the treaty's six years of validity can determine the extent to which it will mitigate the dangers of this alarming competition.

PREVIOUS LIMITATION CONFERENCES

The present period of naval limitation opened with the Washington treaty, which was part of a series of agreements negotiated in 1922.⁷ By approaching the threatening political situation in the Pacific and the post-war race in naval armaments as related problems, the conferees accomplished not only a notable relaxation of tension in the Far East, but also naval limitation and substantial fleet reduction. The United States, Britain and Japan agreed to maintain the *status quo* in the Pacific in regard to fortifications and naval bases. These three powers and France and Italy bound themselves to maximum tonnage limits in battleships and aircraft carriers, in the approximate ratio of 5:5:3:1.75:1.75. In addition, they set qualitative limits for these vessels, and provided for exchange of information on all new ships built. To maintain the tonnage ratios, the three major powers scrapped about 40 per cent of their capital-ship

strength,⁸ and fixed a 20-year age limit which halted battleship construction up to 1931.⁹

The Washington treaty set no limits on smaller vessels such as cruisers, destroyers and submarines, largely because France and Italy were unwilling to accept inferior ratios in these categories. In 1927 an unsuccessful attempt to bring the smaller ships into the treaty framework was made at Geneva on the initiative of President Coolidge.¹⁰ France and Italy refused to participate, contending that a naval agreement was useless without simultaneous settlements for land and air forces as well. The United States, Britain and Japan failed to reach agreement, with conflicting views on cruiser needs as the principal stumbling-block.¹¹

Three years later, however, the three major powers succeeded in uniting on the London Naval Treaty of 1930.¹² France and Italy also signed the document, but failed to ratify. The United States, Britain and Japan consented to further scrapping of existing capital ships, and agreed to prolong the battleship holiday another six years by renouncing replacement rights under the Washington treaty.¹³ Limitation was extended to cruisers, destroyers and submarines, with maximum total tonnage and qualitative limits fixed for each category.¹⁴ The treaty also broadened and revised the technical provisions of the Washington agreement.

In the following year the British government acted as broker in an effort to bring France and Italy into the London treaty system. A provisional basis of accord was reached, but a renewal of the longstanding conflict between the two countries' naval ambitions prevented final agreement.¹⁵

8. The United States scrapped 15 built and 13 building; Britain 20 built and 4 building or projected; and Japan 10 built, 6 building and 8 projected.

9. Except for two each permitted to France and Italy (scheduled for 1927 and 1929, but not actually begun before 1934).

10. Cf. "The International Naval Situation," Foreign Policy Association, *Information Service*, January 6, 1928.

11. The British maintain that they need a large number of small cruisers (up to 7,500 tons, with 6-inch guns), while the Americans want a smaller number of heavy cruisers with a larger cruising radius (up to 10,000 tons, with 8-inch guns).

12. *Proceedings of the London Naval Conference of 1930 and Supplementary Documents* (Washington, Government Printing Office, 1931). Cf. also William T. Stone, "The London Naval Conference," Foreign Policy Association, *Information Service*, May 28, 1930.

13. Although allowing France and Italy to retain their unused privilege of laying down two each.

14. The cruiser dispute was settled by a compromise (the so-called Rapidan Agreement) which gave the United States a higher tonnage in heavy cruisers and Britain in light cruisers.

15. Cf. William T. Stone, "The Franco-Italian Naval Dispute," *Foreign Policy Reports*, June 24, 1931. Italy demands parity with France, but France, pointing to its coast line on two oceans and its colonial empire, makes larger claims. Since the war France has kept to approximate parity with Italy and Germany combined.

6. "The New Naval Agreement," *Foreign Affairs*, July 1936, p. 580. Cf. also Walter Lippmann, "Today and Tomorrow," *New York Herald Tribune*, April 14, 1936.

7. *Conference on the Limitation of Armament, Washington, November 12, 1921-February 6, 1922* (Washington, Government Printing Office, 1922).

Japan invaded Manchuria in the fall of 1931, and with this coup upset the equilibrium in the Pacific which had been maintained for ten years by the Washington treaty. Such a radical change in Far Eastern conditions inevitably altered the bases of succeeding naval negotiations.

At Geneva, in 1932, the Disarmament Conference devoted most of its naval discussions to a vain attempt at distinguishing between "offensive" and "defensive" arms. In general, it tended to throw naval questions back to existing treaty machinery.¹⁶ Japan, which had been striving ever since 1927 to get more favorable treatment than that accorded it by the Washington and London agreements, objected to this insistence on the treaties. In 1922 it had abandoned its demand for a 10:7 ratio in capital ships only in return for Article 19, which banned further fortifications in the Pacific. At London in 1930 it had accepted continuation of the old ratios in battleships and heavy cruisers, but received higher figures for other vessels.¹⁷ In the early stages of the Disarmament Conference, the Japanese delegates merely proposed further qualitative reduction.¹⁸ At the end of 1932, with the Manchurian adventure well under way and the League's impotence already clear, they suggested higher ratios, combined with heavy reduction in "offensive" vessels.¹⁹ But by the next year Japan was ready to question the entire ratio system, and on May 25, 1933 Ambassador Sato served notice in Geneva that it would not accept a renewal of the Washington-London basis on the expiration of the treaties, since it regarded these agreements as "unstable" in character.²⁰

The full meaning of this attitude was not immediately evident, but a gradual crystallization of Japanese public opinion eventually reached the point of demanding absolute parity with the British and American fleets.²¹ The inferior ratios accepted since 1922 were condemned as unfair and degrading to the national pride, and Japan's new

"responsibilities" in China were described as necessitating increased defensive strength.

PRELIMINARY DISCUSSIONS 1934-1935

The preparatory bilateral conversations initiated in London in 1934 as a prelude to the 1935 conference gave Japan ample opportunity to explain its new orientation.²² They also demonstrated the opposition of Britain and the United States to any abandonment of the ratio principle. The fundamental conflict between the two points of view was irreconcilable, and the talks ended in deadlock.

At these preliminary meetings the three powers outlined their positions in considerable detail. The British government followed the lines of previous proposals to the naval conferences and the Disarmament Conference. It asked for maintenance of ratios, further reduction in the size of big ships, and abolition of the submarine,²³ and again requested 20 additional cruisers for a total of 70.²⁴

The American plan, presented by Mr. Davis, called for an all-round reduction of 20 per cent in naval strengths, with especial stress on the maintenance of "the essential balance between the fleets."²⁵ The United States delegation also pointed out that Congress had already authorized construction sufficient to reach treaty strength by 1942,²⁶ though no further building would be undertaken unless required by competitive construction elsewhere.²⁷

The Japanese delegation favored abandoning the ratio system in favor of a "common upper limit" of global tonnage for all naval powers, the limit to be as low as possible but with each nation free to judge its own needs within the total. Besides this,

21. Although on November 5, 1921 Baron Kato had told the Washington Conference that "Japan has never claimed nor had any intention of claiming to have a naval establishment equal in strength to that of either the United States or the British Empire." *Conference for the Limitation of Armaments, 1921-22*, cited, p. 106.

22. *Hearing*, cited, pp. 17-19; *Notes on London Naval Conference*, Misc. No. 2 (1936) (London, H. M. Stationery Office, March 25, 1936), Cmd. 5137, p. 1. Article 23 of the London treaty obligated the signatories to hold a conference in 1935 "to frame a new treaty to replace and to carry out the purposes of the present Treaty."

23. Or, if impossible, a drastic tonnage reduction to eliminate the possibility of long-distance cruising; 250 tons was suggested.

24. Cf. *Hearing*, cited, p. 17. In 1930 they had agreed to limit it to 50, as part of the Rapidan compromise.

25. President Roosevelt's letter of instructions to the delegation, October 5, 1934, read later by Norman Davis at the conference's opening meeting. Text in *The London Naval Conference 1935*, cited, pp. 52-53.

26. Vinson bill, 73rd Congress, 2nd Session, *Public Law No. 135*, signed March 27, 1934.

27. Statement by President Roosevelt, *New York Times*, September 28, 1934. Statement by Admiral Standley, *Hearing*, cited, p. 62.

16. The first draft convention added little to existing treaties. League of Nations, *Conference for the Limitation and Reduction of Armaments 1932-33*, C.687.M.288.1930.IX (C.P.D. 292 [2]), December 9, 1930. The 1933 draft occupied itself mainly with stabilizing the navies not subject to the two treaties and bringing France and Italy within their framework. Final settlement was left to a conference to be held in 1935, concurrently with that scheduled under the London treaty. *Ibid.*, Conf. D. 163 (1), September 22, 1933.

17. 10:7 in light cruisers and destroyers, 10:10 in submarines.

18. *Conference for the Limitation of Armaments, 1932-33*, cited, Conf. D. 94, February 19, 1932.

19. *Ibid.*, Conf. D. 150, December 9, 1932. The proposed reductions called for a proportionately much greater sacrifice by the United States and Britain than by Japan.

20. *Ibid.*, *Minutes of the General Commission*, Vol. II, pp. 504-05.

they advocated abolition of "offensive" vessels, which they defined as battleships, aircraft carriers and heavy cruisers—but not submarines, which were classed as "defensive." The object of these proposals, they said, was to create a "condition of non-menace and non-aggression."²⁸

As the Japanese refused to discuss any other questions until their plan was accepted, the preparatory discussions resolved themselves largely into a vain search for a face-saving compromise. Early in November, Premier MacDonald made a last effort to find a solution. According to his plan, the powers were to recognize Japan's right to parity in principle. In return, Japan was to accept a mutual declaration of building programs designed to achieve a five-year stabilization of the world's navies. The plan was immediately rejected, with a curt announcement in Tokyo that "we are unable to conceive of an acceptable scheme which will grant the principle of equality which we have already demanded and contain at the same time restrictions giving something less."²⁹ In this inhospitable atmosphere, the conversations were indefinitely adjourned.

In December 1934 Japan denounced the Washington treaty, which thus terminates on December 31, 1936, simultaneously with the London treaty.³⁰ At the same time, the British advanced an informal "middle course" proposal to salvage as much of the existing machinery as possible. This plan included: retention of the provision for non-fortification of the Pacific bases, qualitative limitation, a joint statement of building programs to cover a period of, say, 6 years, and retention of the existing clauses concerning notification of the laying down of new ships.³¹ It is interesting to note that, with the exception of the first point, this program covers the essential parts of the treaty which was eventually concluded in 1936.

There was no further official move toward a conference during the first half of 1935, but the general international situation grew steadily less favorable to the possibility of success in any such meeting. On June 18, 1935 the Anglo-German naval treaty was signed.³² Britain insisted that it

would furnish a useful point of departure for the coming naval discussions, but the manner in which the agreement was concluded and the fact that it permitted Germany to almost triple its present fleet alarmed the French and further jeopardized the chances of success at the conference. In July the House of Commons was told that the British government was prepared to abandon the ratio system "because some countries feel it wounding to their national pride to have to accept a naval strength permanently inferior to that of some other country." The statement concluded with a pessimistic suggestion that the new naval agreement be limited to a voluntary exchange of building programs up to 1942, postponing a full conference to a more propitious moment.³³ The suggestion was communicated to the other treaty powers, but met a chilly reception, the powers opposed to ratios regarding it as a disguised system of perpetuating them, and the others unwilling to disclose their plans without prior information on the programs of non-treaty nations.

The Ethiopian affair and the League discussion of sanctions, with the resulting contention that strong armaments are necessary for the defense of collective security, appeared to have dealt a fatal blow to conference proposals. Nevertheless, the British government persisted in its effort to find some way of limiting the Japanese fleet without adding to Britain's already swollen defense budget the enormous expenditures which maintenance of its Pacific position against unrestricted Japanese building would entail. They negotiated throughout the summer and fall of 1935, and in October succeeded, with American help, in overcoming the main obstacle to such a meeting—the long-standing insistence of the Japanese on prior recognition of their right to parity.³⁴ As soon as Japan had agreed to attend a conference to discuss the question, Britain formally issued invitations for a meeting in December. Only the five Washington powers were to participate, but the British note added that "it is hoped that once agreement is in sight . . . an extension of the scope of the Conference may be possible so as to include other naval Powers."³⁵

28. *Hearing*, cited, p. 18.

29. *New York Times*, November 8-9, 1934.

30. By Article 23, which also provides for a conference within one year of the notice of termination, thus doubly binding the powers to a conference in 1935. Text of Japanese note in *Treaty Information*, December 1934, pp. 4-9. Japan had tried unsuccessfully to induce France and Italy to join it.

31. *Hearing*, cited, p. 18. It is worthy of note that as long ago as 1907 Sir Edward Grey proposed that Britain and Germany exchange building programs before setting up their annual budget estimates. Cf. Ernest L. Woodward, *Great Britain and the German Navy* (New York, Oxford University Press, 1935).

32. *Exchange of Notes between His Majesty's Government in the United Kingdom and the German Government regarding the Limitation of Naval Armaments* (London, H. M. Stationery Office, 1935), Cmd. 4930. *Parliamentary Debates*, Vol. 303, June 21, 1935, cols. 705-09; Vol. 304, July 22, 1935, full discussion in House of Commons, cols. 1499-1559.

33. *Parliamentary Debates*, Vol. 304, July 22, 1935, cols. 1538-39, statement by Sir Bolton Eyres-Monsell (now Viscount Monsell).

34. *New York Times*, *The Times* (London), October 19, 1935.

35. *Treaty Information*, November 1935, p. 1.

The invitations were promptly accepted, and unexpectedly important delegations were named.³⁶

THE 1935 NAVAL CONFERENCE

The atmosphere of pessimism which surrounded the conference before its opening session was not dispelled during the first phase of the discussions, which concluded on January 15 with the withdrawal of the Japanese delegation. The various tentative proposals presented at the first meeting, December 9, differed little from those already thrashed out in preliminary talks, and left the positions represented by the Japanese idea of "global limitation" and the American insistence on maintaining existing ratios as far apart as ever.

In subsequent sessions the delegates made an earnest effort to understand the details of the Japanese plan, and to explore the possibilities of a compromise.³⁷ The Japanese, caught off guard by the first avalanche of questions, were placed in an embarrassing position. In particular, Admiral Nagano made one slip which was regarded by many observers as a serious diplomatic error and which probably cost him the support of France and Italy, traditional foes of the ratio system. In reply to a question on the practical scope of the parity principle, he admitted that Japan intended it to apply only to the three major naval powers (the United States, Britain and Japan), leaving the size of continental European navies to independent settlement. Nagano hastily retracted his statement at the next meeting, but his inclusion of France and Italy in the list of those entitled to parity was accompanied by a proposal for "adjustments," designed to take account of the relative vulnerability of different powers, which practically nullified the concept of absolute parity. The proposal did, however, open a possible route to future compromise.

These prolonged discussions resulted in an impasse, with the Japanese delegates facing a united front of all the other conferees. The former had long threatened to quit the meeting if their plan was not accepted, but just before the Christmas holidays they decided to accept discussion of other problems before again pressing their demands. The conference began preliminary consideration of the British plan for a six-year declaration of building programs, but the respite was brief. A few days later the Japanese rejected the

British suggestion as a concealed ratio system,³⁸ and on January 8 refused to proceed with further discussion before receiving recognition of parity.

As a parting shot before the formal departure of the delegation on January 15, Admiral Nagano presented a detailed restatement of the Japanese position. He stressed again Japan's desire for peace, and added that the best method of attaining it was by equality of armaments at such a level that defense would be secure and aggression impossible. Within this global limit, certain adjustments might be made in order to take account of the special defensive needs of different powers. Absolute equality, however, must be maintained for "offensive" vessels, or these should be abolished.

In reply, the other delegates gave a complete summary of their reasons for rejecting his proposals. They admitted the justice of the Japanese desire for equality of security, but contended that this was not equivalent to equality of armament. Other determining factors must enter into the concept of security—the relative strength of land, air and sea forces, the distance from home bases at which a fleet must operate, the extent of territory it must protect, etc. They attacked as an untenable position the Japanese attempt to differentiate between "offensive" and "defensive" vessels. They noted, finally, that the Japanese had weakened their own case by admitting the existence of differences in vulnerability, and concluded that the Washington-London treaty system, which assured definite defensive superiority to its signatories in their own waters, was still the best guarantee of security for all nations.

Although the two positions might perhaps have been reconciled had there been less intransigence on both sides, Japan was driven by the necessities of its internal political situation and its desire to impress the Chinese with its independence of Occidental powers to maintain its uncompromising position and break off negotiations.³⁹ Although much of the Japanese program was incorporated in the treaty, as finally concluded, and the quantitative limitation to which they had objected so strongly was completely omitted, in June Japan refused definitely to adhere.⁴⁰

Many Western commentators—and apparently the Japanese as well—had expected that Japan's withdrawal would wreck the conference. Instead,

36. The British had planned to conduct the conference informally, but when the other powers appointed full delegations with admirals and ambassadors at the head, they found themselves obliged to name an important delegation themselves and plan a full-dress conference. *Christian Science Monitor*, November 20, 1935; *New York Times*, November 4, 20, 23, 1935.

37. Unless otherwise noted, the account of the conference is based on *The London Naval Conference 1935*, cited.

38. Some point was given to their contention by a British delegate's statement that "the existing relative strengths correspond to the realities of the situation and are reasonably fair to all concerned."

39. Japanese observers attended all subsequent meetings, however, except those of the technical subcommittees.

40. *New York Times*, *New York Herald Tribune*, June 30, 1936.

the other delegations quietly went ahead with their deliberations. The only technical change resulting from Japan's absence was the tacit agreement that continuation of Article 19 of the Washington treaty limiting Pacific fortifications would no longer be discussed,⁴¹ and that the treaty would include a strong escape clause to protect its signatories against excessive Japanese expansion.

The second phase of the conference, although disturbed by political conflicts and by sharp criticism of the American refusal to accept lower battleship limits, was on the whole less stormy and more fruitful than the first. It ended with the signing of the treaty on March 25, 1936.

As soon as the Japanese had left, the conference proceeded to consider concrete proposals for exchange of information laid before it by Britain, France and Italy. The British had abandoned their six-year plan in favor of an annual exchange of building programs. The French and Italians advocated, in addition, that no ship be laid down without several months' advance notice. Amalgamation of the three plans presented few difficulties, and a definitive draft was adopted on January 31.

The more controversial problem of qualitative reduction was apparently headed for a similarly rapid solution when, on February 3, the British asked the conferees to consider inviting Germany and the Soviet Union to participate in their work.⁴² Informal negotiations to this effect had been going on for some time, and the Russian and German embassies had been kept regularly informed of all proceedings. The French had made no protest at these informal moves, but flatly rejected the official proposal to invite Germany to the conference. They saw in such a formal invitation just one more legalization of a German breach of the Versailles Treaty, and inquired acidly what use it would be to fix limits for ships which had no legal existence in the first place. On the other hand the British, who had already abandoned the naval section of the Treaty of Versailles by their 1935 agreement with Germany, were concerned about the absence of official machinery to obtain information on German building, and feared that Hitler, in view of his announced distaste for "prearranged" pacts, would reject a treaty concluded in the absence of German delegates. They therefore insisted on including all the principal naval powers in the new treaty (with Japan expected to adhere later). The French thereupon resorted to a diplomatic maneuver to gain their ends—blocking agreement on battleship limits, when 90 per cent of the con-

ference's work was completed, until assured that Germany would not be invited.⁴³ Three weeks of strenuous activity resulted in a political compromise. France agreed to permit negotiation of bilateral treaties between Britain and other powers, legally separate from the main instrument but containing substantially the same commitments, and the British agreed to restrict the principal pact to the Washington signatories.⁴⁴

The flurry caused by the Anglo-French difference had barely subsided when a new problem arose. The Italian delegation, heretofore "consistently helpful and constructive,"⁴⁵ began to make important reservations on technical points.⁴⁶ Then, a week before the crucial League debates on oil sanctions, Italy suddenly let it be known that it would be bound by no international naval agreement as long as sanctions were maintained and the Mediterranean mutual assistance pacts remained in force.⁴⁷ The official note apprising the conference of Italy's refusal to sign the treaty at this juncture enumerated several technical objections, and added that Italy could settle these with ease but was "prevented from doing so by the fact that the political situation . . . had not become more favorable."⁴⁸ Since then, all the conditions to which Italy objected have been removed,⁴⁹ but it has not yet made any move toward adherence.

On March 25 the United States, France and the British Empire⁵⁰ formally signed the London Naval Treaty of 1936, and a special protocol expressing a hope for further reduction in the future. In addition, Britain and the United States agreed to additional limitation by an exchange of notes expressing their intention to avoid competitive building and to accept the principle of parity as between themselves.⁵¹ Though both signatories insist that this note merely represents a restatement of an established tradition, it may be taken

43. *Ibid.*, February 12, 20, 1936.

44. *Ibid.*, February 29, 1936; *New York Herald Tribune*, February 26, 1936.

45. *Christian Science Monitor*, January 10, 1936; cf. also *Notes on the London Naval Conference*, cited, p. 3.

46. The width of the "gap" in cruiser construction, and battleship tonnage limits.

47. *New York Times*, February 25, 1936.

48. *Ibid.*, February 28, 1936. Cf. also Cavagnari's speech presenting naval estimates to Parliament. *Ibid.*, March 22, 1936.

49. Sanctions were lifted on July 15, the British Home Fleet began to leave the Mediterranean on July 14, and the last of the mutual assistance pacts was denounced by Britain on July 27.

50. Except the Irish Free State and the Union of South Africa which, though both are parties to previous naval treaties, declined to sign on the ground that they are not naval powers.

51. *The London Naval Conference 1935*, cited, pp. 443-44. They apparently intend in future to aim less at mathematical parity and more at suiting the individual needs of the two fleets, reserving the idea of strict ton-for-ton parity for joint comparisons with other powers.

41. Both Britain and the United States had clearly intimated this before the Japanese left. *New York Times*, January 11, 1936.

42. *New York Times*, February 4, 1936.

as an evidence of the Anglo-American cooperation which was one of the outstanding features of the conference. Just how much actual limitation it will accomplish is problematical, since both powers seem determined to maintain the old ratios in regard to Japan. If the latter builds beyond the old limits, they are free to match its increase without departing from the spirit of their agreement.

ANALYSIS OF THE TREATY

The new treaty comprises four sections: definitions, qualitative limitation, advance notification and exchange of information, and safeguarding clauses. It will come into force on January 1, 1937 (or on full ratification), to be valid for six years. A new conference is to be held in 1941 unless preliminary conversations show that this is not feasible. The agenda of these consultations will include a re-examination of capital-ship limits.

One of the significant provisions of the treaty is the "building holiday," which prohibits all construction of ships between the categories of light cruiser and battleship—the danger zone for qualitative competition.⁵² This prohibition is hedged about with safeguarding clauses, but is nevertheless an interesting precedent which its originators hope may some day provide a substitute for quantitative limitation.

The qualitative section of the new pact has either retained or reduced all the maximum limits set by the Washington and London agreements.

QUALITATIVE LIMITS SET BY NAVAL TREATIES

Category	Washington, London 1930		London 1936	
	Tons	Guns (in.)	Tons	Guns (in.)
Capital ships	35,000	16	35,000 ¹	14 ²
Aircraft carriers	27,000 ³	8	23,000	6.1
Cruisers (a) ⁴	10,000	8	10,000 ⁵	8
Cruisers (b) ⁴	10,000	6.1	10,000 ⁶	6.1
Destroyers ⁴	1,850 ⁷	5.1	3,000 ⁸	6.1
Submarines	2,000 ⁹	5.1	2,000	5.1

1. No construction below 17,500 tons and 10-inch guns.

2. Provided this limit is accepted by all the Washington powers by April 1, 1937. Otherwise 16.

3. Except for two ships up to 33,000 tons, permitted to each power for experiment. The American *Lexington* and *Saratoga*, laid down in 1920-1921, are the only existing carriers above 27,000.

4. Cruisers and destroyers are classed as "light surface vessels" by the 1936 treaty.

5. Building holiday.

6. Building holiday above 8,000 tons.

7. Only 16 per cent of the total to be above 1,500.

8. A redefinition, aimed at the ships which the French call "destroyers," though the London treaty classes them as "light cruisers." Some thirty of these, completed since 1926, average about 2,340 tons and carry up to 5.4-inch guns. (Cf. *Fleets*, London, H. M. Stationery Office, December 1935, Cmd. 5038.)

9. Although the French were permitted to complete the 2,880-ton 8-inch-gun *Surcouf*, and each power was allowed to build three additional ships up to 2,800 tons each. None was ever built.

52. The "gap" covers tonnages between 8,000 and 17,500 and gun calibers between 6.1 and 10 inches.

The United States insisted uncompromisingly on retention of the old 35,000-ton limit for capital ships. The other powers were agreed on drastic reduction, as at previous conferences, but the American delegation once more championed big ships with the traditional arguments,⁵³ refusing even to consider a French suggestion that signatory powers, except for France and Italy, be permitted to build two 35,000-ton battleships each to match those powers' new vessels, with the lower treaty limits applying only to subsequent building. The British, fearing that this disagreement would prevent the conclusion of a treaty whose other provisions were vitally important to them, eventually supported our stand. Since France and Italy were both rushing 35,000-ton battleships to completion, they could not very gracefully press their opposition, though France did not capitulate until assured that Germany would not be invited to the conference.

The United States, however, made two concessions on battleships. First, the American delegation agreed to accept a 14-inch limit on gun caliber, though it insisted on a clause retaining the old limit unless all the Washington powers agreed to the change by April 1937. Some idea of the importance of this concession may be gained from the table of gun calibers on the following page.

Admiral Standley subsequently let it be known that the American navy would be very glad to keep the 16-inch guns, for use on the new ships recently authorized.⁵⁴ Secondly, we reversed a long-standing opposition to British proposals for raising capital-ship age limits, and accepted an increase in the replacement age from 20 to 26 years.⁵⁵ At this limit, no major power will have an overage battleship before 1938, although in the absence of quantitative regulation this provision will have only nominal importance.⁵⁶

The reduction in aircraft carrier limits is pri-

53. Lack of naval bases, large areas to protect, need of heavy anti-aircraft protection, etc. It was stated, however, that we might be willing to make concessions after an opportunity to experiment with the first few ships of the new program, these being the first allowed us by treaty since 1921. Statement by Admiral Standley, *The London Naval Conference 1935*, cited, p. 384.

54. *New York Times*, July 2, 1936. Later he even suggested that we might use 18-inch guns. *Ibid.*, September 10, 1936. The Navy Appropriations Bill, signed June 4, authorizes two new battleships as soon as construction is begun by any other London treaty power. H. R. 12527, 74th Congress, 2nd Session.

55. Britain has asked for increases at every naval conference since Washington, only to meet unyielding opposition from the United States and Japan.

56. Overage ships at the end of 1936, at 20 years: Britain, 9 out of 12; United States 7 out of 15; Japan 4 out of 9; France all 9; Italy all 4. At 26 years: Italy 2; at the end of 1937, France 3. *Fleets*, cited.

GUN CALIBER OF BATTLESHIPS OF SEVEN MAJOR POWERS

Gun Caliber	16-inch		15-inch		14-inch		13-inch		12-inch		11-inch	
Built (61)	Britain	2	Britain	13	U. S.	11	France	3	U. S.	1	Germany	6
	U. S.	3			Japan	7			France	6		
	Japan	2							Italy	4		
									U.S.S.R.	3		
Building (7)	.....		Italy	2	.....		France	2	.....		Germany	2
			France	1								
Projected (5)	U. S. (?)	2	France*	1	Britain	2	.....		.....		.....

*Possibly Germany also.

marily a reflection of contemporary naval opinion, which considers vessels of over 23,000 tons as not of maximum efficiency. The largest such ship now building is the British *Ark Royal*, of 22,000 tons with 4.5-inch guns. The American *Lexington* and *Saratoga* are 33,000-ton ships, but the *Ranger* is only 14,500 and the new *Yorktown* and *Enterprise* 19,900. The Japanese use two converted 26,900-ton battleships as aircraft carriers, but the *Soryu*, now building, displaces only 10,050 tons.

The submarine limit presents a similar case. The prevailing tendency in naval design is toward smaller, more compact ships—unwieldy monsters like the *Surcouf* having proved comparatively less efficient. France has laid down no submarines over 1,379 tons since 1927, and Italy's largest is of 1,371 tons. Japan has built a few submarines near the 2,000-ton limit, and is now building one of 1,950 tons. The United States has two over 2,000, the *Nautilus* and the *Argonaut*, but current building runs only about 1,400. Britain has one, completed in 1925, over 2,000; ships now on the ways include three of 1,520 and three of 670 tons.

As at all previous naval conferences the British, with American support, attempted in 1936 to secure the abolition of the submarine, and once more were compelled to give in to continental opposition. At Washington, however, they did succeed in negotiating a special treaty instituting humane rules of international law for submarine warfare, although this has never come into force.⁵⁷ In 1930 these rules were also incorporated in the London treaty.⁵⁸ This section will still be binding on the United States, Britain and Japan after the expiration of the treaty, but in order to extend it to other nations the treaty powers decided this year to negotiate a new instrument in the form of a special protocol separate from the main treaty. The protocol is still in process of negotiation, but signature

57. Treaty II, signed February 6, 1922. Never ratified by France.

58. Part IV. Never ratified by France and Italy. Article 23 provides that Part IV is to remain in force without limit of time, and this is confirmed in the 1936 preamble.

is expected in the near future. All the Washington powers are officially pledged to adhere.⁵⁹

Cruiser limitation had been one of the thorniest problems of previous naval conferences. It was left unsolved at Washington, where the treaty was limited to battleships and aircraft carriers. It wrecked the Geneva conference of 1927, and at London in 1930 only a compromise on this question saved the treaty. The later failure of France and Italy to ratify was directly due to disagreement on cruiser limits. In 1936 cruiser maxima were again one of the chief subjects of debate, but Anglo-American cooperation, intensified by the Japanese withdrawal and aided by the absence of quantitative complications, resolved the conflict.

The upper qualitative limits for cruisers were not changed, but Britain agreed to accept the old figures in return for a building holiday on 10,000-ton ships and American toleration of the proposed 20-cruiser increase in the British navy.⁶⁰ This compromise indicates an American sacrifice that is more apparent than real. We already have built or building all the modern 10,000-ton cruisers we will want before 1943.⁶¹ Furthermore, our naval officers are beginning to question the superior value of these big ships, and it is possible that after six more years of experimentation we may abandon them.⁶²

Changes in definition have greatly extended the scope of this treaty in regard to smaller vessels. Most of the "exempt" classes of the London treaty are brought into the new definitions, and the lower tonnage limit drops from 600 to 100 tons.

59. Germany has also stated its willingness to adhere, regardless of the action of other powers. *Parliamentary Debates*, vol. 303, No. 119, June 25, 1935, cols. 952-53.

60. On the understanding that any greater increase would entitle the United States to invoke the safeguarding clause and build within the holiday category. Read into conference minutes, at American request, March 21, 1936. *London Naval Conference 1935*, cited, p. 304.

61. Statement by Admiral Standley, *Hearing*, cited, p. 45.

62. *Ibid.*, pp. 57-62. At the conference, however, Admiral Standley stated categorically that we intend to build 10,000-ton cruisers in the future and have accepted the holiday only as a temporary measure.

The new treaty provides for advance notification and exchange of information on the various navies in a far more complete and effective manner than its predecessors. It contains three important developments in this field: more specific and more significant time requirements, a much more complete list of basic information to be communicated, and more complete coverage of ship categories.

Under existing regulations, information on battleships and aircraft carriers is communicated "promptly"; for cruisers, destroyers and submarines, it must be sent within one month of the date of laying the keel, and again within one month of completion. Under the new treaty the annual building programs of the powers, plus lists of alterations, scrapping and other disposal of existing ships, must be communicated within the first four months of each year. At least four months before the laying of a vessel's keel and a month after its completion, full particulars in regard to size, armament, power plant, etc.—much more comprehensive than those required by the old treaties—must be sent out. Furthermore, any important alterations in plans must be notified, and keel-laying delayed for four months after notification. Similarly, alterations bringing completed vessels under the treaty provisions or shifting them to different categories cannot be undertaken without four months' notice.

ESCAPE CLAUSES

Differences of opinion as to the value of the new agreement hinge largely on varying interpretations of its escape clauses. There are no less than four of these. One, practically identical with a similar arrangement in the Washington treaty, releases the signatories in the event of war, on simple notification. The others carry time limits, requiring a period of three months after notification, during which the contracting parties are obligated to consult together "with a view to reducing to a minimum the extent of the departures which may be made." Article 25 permits escape in the case of building by non-signatory powers above the treaty's qualitative limitations, while Article 26 provides for any other "change of circumstances" materially affecting "the requirements of the national security of any High Contracting Party." Besides these clauses there is a special provision as to light surface vessels, inserted at the request of the United States and France, to guard against building by non-signatory powers within the 10,000-ton cruiser holiday category. Under this clause, simple notification gives any power the right to build light surface vessels up to 10,000 tons

and of unspecified number, subject only to the treaty provisions for advance notification (which would require a minimum delay of four months). All these clauses are "escalated," i.e., extra-treaty building by one signatory power automatically empowers the others to match it.

The importance of these provisions is emphasized by the recent action of the British government in invoking the famous "escalator clause" of the London Treaty of 1930.⁶³ The British move was motivated in part by the necessities of the government's vast rearmament program, and in part by the curious wording of Article 16 of the 1930 treaty. In that treaty the three major powers agreed to maximum tonnages for cruisers, destroyers and submarines, which were "not to be exceeded on the 31st December, 1936." Yet, since quantitative restrictions have been abolished in the new treaty of 1936, any excess tonnage will again become "legal" twenty-four hours later, on January 1, 1937, when the new treaty goes into effect. The three powers possess the following tonnages exceeding the treaty maxima:

	Cruisers (a)	Cruisers (b)	Destroyers	Submarines
United States	.....	.....	105,565	23,280
Great Britain	36,596	39,540	72,214	5,374
Japan	15,120	9,925	17,813	22,449*

*Disposal of all these ships would involve only overage tonnage, except in the case of Japan's submarines, of which only 9,918 tons are overage. Figures for the United States and Britain include ships due to be completed this year. Japan does not publish such information; its total to be scrapped will be correspondingly higher. *Comparative Data—Navies of the World*, Naval Intelligence Division, U. S. Navy Department, July 1, 1936; *Progress Report as of July 1, 1936*, Bureau of Construction and Repair, U. S. Navy Department; *Statement of the First Lord of the Admiralty Explanatory of the Navy Estimates of 1936*, February 1936 (London, H. M. Stationery Office, 1936), Cmd. 5105.

Britain had been trying for several months to find a diplomatic formula by which it could avoid the necessity of scrapping some of these vessels, but its co-partners in the naval treaties refused to countenance any settlement outside the treaty terms. The British Admiralty was anxious to retain four heavy cruisers of the *Hawkins* class, and a large number of destroyers. In the case of the cruisers, it was impossible to have recourse to the escalator clause, since the British government itself had publicly recognized that cruiser building by non-signatory powers since 1930 had not been "of a character or scope to affect the requirements

63. Article 21: "If the requirements of the national security of any High Contracting Party . . . are in the opinion of that Party materially affected by new construction" of any non-contracting power, increases may be made on simple notification, with the other contracting powers entitled to proportionate increases in the specified categories.

of . . . national security."⁶⁴ The Admiralty therefore decided to retain these vessels by shifting them into the category of light cruisers, and Parliament authorized and financed the necessary changes in their armament.⁶⁵ This action raised a nice legal question. There is no specific provision in the treaty for exchanges between categories, except between light cruisers and destroyers, where there is a 10 per cent limit. The 1936 conference apparently recognized the inadequacy of this provision by proposing to extend the corresponding section of the new treaty to include all possible conversions. The British government, however, reversing its previous position, contended that as long as it kept total tonnage within the treaty limits any such exchanges were perfectly legal.

Retention of destroyers presented no such legal difficulties. On July 15, Britain formally invoked the escalator clause to retain 40,000 tons of destroyers in excess of the 150,000 allowed it by treaty, citing increased submarine construction by non-signatory powers as its reason.⁶⁶ The United States promptly followed suit and notified Britain that it was "reluctantly obliged" to retain an equivalent amount of destroyer tonnage. Japan was quick to take full advantage of the opportunity thus presented. The Japanese government, unable to utilize the full destroyer tonnage to which it is entitled and anxious to keep some of its submarines, elected to split the 28,000 tons between two categories, retaining 11,059 tons of destroyers and 15,598 tons of submarines.⁶⁷ The legality of this move has been questioned by experts, and will probably be challenged, since the treaty limits compensatory increases to the categories specified by the power originally invoking the escalator clause. However, Japan will retain its submarine superiority in the Pacific even if Britain and the United States interpret the Japanese action as justification for their keeping an equivalent under-sea tonnage.

STATUS OF OTHER POWERS

The new London treaty is open to direct adher-

64. Statement by Lord Stanley in Commons. *Parliamentary Debates*, vol. 312, May 28, 1936, col. 2249. (Cf. similar statements by Baldwin in 1935, *ibid.*, vol. 299, 1935, col. 53.) Another cogent argument advanced by the government was that if Britain used the escalator clause to retain its 19-year-old "C" cruisers, Japan would have the right to retain more numerous and more modern ships in the same category. *Ibid.*, col. 2252.

65. £428,000 was appropriated for this purpose, in the *Supplementary Estimates*, April 28, 1936 (London, H. M. Stationery Office, 1936). Three of these ships will carry 6.1-inch, instead of the present 7.5-inch guns. The fourth, the *Vindictive*, will become a training ship. The four vessels total 39,426 tons.

66. *The Times*, July 16, 1936. Since 1930 Italian submarine tonnage has increased 63 per cent, while the total fleet increased only 38 per cent. French submarine tonnage has decreased 14 per cent while the fleet was rising 21 per cent.

67. *New York Times*, September 3, 1936.

ence by Japan and Italy, and other states may join in its principles by means of bilateral pacts with Britain. Agreements with Germany and the U.S.S.R. are now near completion. Negotiations have been carried on with Poland, and a number of other states have been approached informally with a view to including all the naval powers of the world in the treaty system.⁶⁸

Substantial agreement with Germany was reached as early as February.⁶⁹ Discussions were interrupted, however, during the Rhineland crisis, and Britain then abandoned the proposed simultaneous signing of the two pacts. At present, negotiations have been resumed through diplomatic channels, but definite conclusion hinges on completion of a similar agreement with Soviet Russia.

The Soviet representatives, in turn, refuse to conclude a treaty unless assured that Germany will make parallel commitments in the Baltic and Japan in the Far East.⁷⁰ The treaty powers are now considering a draft which, it is understood, meets their objections by setting up two separate régimes for the Soviet fleets. In the Baltic the U.S.S.R. accepts all the London treaty limitations, subject only to completion of the Anglo-German accord. In the Far East, the Soviet is reported to have received freedom to match Japanese building, even if it exceeds the treaty limits, without notifying Britain.⁷¹

The technical provisions of the new treaty are, on the whole, not very difficult to carry out, and will probably be observed even by non-signatory powers. As its advocates continually pointed out to the United States Senate when urging ratification, there is nothing in the treaty which the powers concerned cannot accept. The real danger lies in the activity which may be indulged in outside the treaty terms. These terms leave the signatory powers free to engage in a naval race of serious proportions without infringing on their legal obligations. And, although the underlying spirit of the Washington and London treaties, which still bind the five principal naval powers up to the end of this year, is that of cooperation in limiting naval armaments, the naval powers of the world are already engaged in frantic competition, the extent of which is evident from the following tables. Will the new treaty, whose very début will be shadowed by this alarming factor, fare better than its predecessors?

68. The four Scandinavian states have already indicated their willingness to sign treaties as soon as the large Baltic powers do so. *Ibid.*, September 16, 1936.

69. *New York Times*, February 15, 1936.

70. Note to British Foreign Office. *New York Herald Tribune*, May 19, 1936.

71. *Ibid.*, June 13, 14, July 31, 1936.

PRESENT FLEETS — July 1, 1936

PRESIDENT FLEETS — July 1, 1930						Building and appropriated for ²	
UNITED STATES	Total built		Total built under age ¹		Percentage under age		
	No.	Tons	No.	Tons		No.	Tons
Capital Ships	15	464,300	12	384,200	80.40	.....	.....
Aircraft Carriers	4	92,000	3	80,500	80.3	3	54,500
Cruisers (a)	17	159,150	16	151,800	94.75	2	20,000
Cruisers (b)	10	70,500	10	70,500	100.0	9	90,000
Destroyers	192	220,815	10	14,685	5.9	63	98,350
Submarines	86	73,950	43	47,460	57.1	18	25,065
TOTALS	324	1,080,715	94	749,145	49.15	95	287,915
BRITISH EMPIRE							
Capital Ships	15	474,750	12	381,450	80.15	2	Unknown ³
Aircraft Carriers	6	115,350	6	115,350	100.0	2	34,100
Cruisers (a)	19	183,396	17	163,600	89.3	.....	.....
Cruisers (b)	36	186,340	16	98,340	48.55	16	123,300
Destroyers	177	208,609	67	90,704	37.8	35	55,570
Submarines	54	55,884	39	47,814	79.05	11	12,126
TOTALS	307	1,224,329	157	897,258	62.15	66	225,096
JAPAN							
Capital Ships	9	272,070	5	154,750	56.2	.....	.....
Aircraft Carriers	4	68,370	4	68,370	100.0	2	20,100
Cruisers (a)	14	123,520	12	107,800	86.5	.....	.....
Cruisers (b)	22	110,375	17	91,995	80.3	4	33,950
Destroyers	102	123,313	62	85,443	65.05	20	28,957
Submarines	62	75,149	50	65,231	83.65	8	10,900
TOTALS	213	772,797	150	573,589	72.3	34	93,907
FRANCE							
Capital Ships	9	185,925	2	44,378	23.05	4	123,000
Aircraft Carriers	1	22,146	1	22,146	100.0	.....	.....
Cruisers (a)	10	105,923	7	70,000	68.05	.....	.....
Cruisers (b)	8	51,225	7	46,502	84.15	5	38,000
Destroyers	71	118,800	57	108,000	85.6	20	23,720
Submarines	79	74,433	69	66,631	88.45	10	9,378
TOTALS	178	558,452	143	357,657	72.2	39	194,098
ITALY							
Capital Ships	4	86,532	1	21,555	25.0	2	70,000
Aircraft Carriers	.....	.....	.....	.....	.....	.....	.....
Cruisers (a)	10	94,291	7	70,000	72.1	.....	.....
Cruisers (b)	17	77,974	13	65,858	80.45	2	15,748
Destroyers	92	94,482	54	64,641	65.05	18	16,462
Submarines	68	50,586	54	44,637	83.65	16	10,134
TOTALS	191	403,865	129	266,691	72.3	38	112,344
GERMANY							
Capital Ships	5	59,120	2	20,000	36.95	3	62,000
Aircraft Carriers	.....	.....	.....	.....	.....	.....	.....
Cruisers (a)	.....	.....	.....	.....	.....	3	30,000
Cruisers (b)	6	35,400	6	35,400	100.0	.....	.....
Destroyers	19	14,438	12	9,600	64.8	16	26,000
Submarines	19	4,750	19	4,750	100.0	17	12,250
TOTALS	49	113,708	39	69,750	70.45	39	130,250

1. Age as at the end of 1935.

2. Tonnage estimated.

3. Two battleships (tonnage unknown) will be laid down in 1937. Money already appropriated for assembling material, making gun mountings, etc., in 1936 program.

INCREASE OF TOTAL FLEETS SINCE 1930

	<i>United States</i>		<i>Great Britain</i>		<i>Japan</i>		<i>France</i>		<i>Italy</i>	
	<i>No.</i>	<i>Tons</i>	<i>No.</i>	<i>Tons</i>	<i>No.</i>	<i>Tons</i>	<i>No.</i>	<i>Tons</i>	<i>No.</i>	<i>Tons</i>
May 1, 1930	495	1,337,452	326	1,356,896	246	844,662	236	618,808	175	352,950
July 1, 1936	419	1,368,630	373	1,449,425	247	866,704	217	752,550	229	516,209
Percentage of increase	2.3		6.8		2.6		21.6		46.2	

NOTE: These figures include ships built, building and appropriated for. It should be noted that a large proportion of the tonnage building in 1930 was destined for replacement purposes, while most of that building in 1936 will probably be added directly to the fleets, with no compensating scrapping.

Data for both tables from *Navies of the World*, cited.